

CHAPTER 27-03-02 SEPARATION INFORMATION

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27-03-02-01. Separation information required from employers involving possible disqualification or ineligibility.

1. **Separation information from employer.** When a claimant has been determined to have insured status, the division shall promptly notify the worker's last employer on form nduc 211(a), notice of valid claim for unemployment insurance. In the event the separating employer has reason to believe the worker should be disqualified or is ineligible for benefits because of the circumstances surrounding the worker's separation from work, the employer shall so notify the division by completing form nduc 211(a), or its equivalent, setting forth in detail the reasons for the employer's protest.
2. **Failure of employer to file separation or eligibility information.** If reply on form nduc 211(a), or an equivalent, is not mailed or delivered to the division within ten days after the date appearing on the notice, the determination of the division shall be final.

History: Amended effective July 1, 1989.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-06-10, 52-06-12

27-03-02-02. Mass separations.

1. **Definition of mass separation.** "Mass separation" as used in this chapter means the layoff from work of twenty-five or more workers in a single establishment (either permanently or for an indefinite period or for an expected duration of seven days or more) at or about the same time and for the same reason.
2. **Filing of notice prior to mass separation.** When the employer has advance knowledge of an expected mass separation, the employer shall file a notice thereof with the public employment service office nearest the worker's place of employment, setting forth the reasons for such mass separation, together with a list of the names and social security account numbers of the workers affected. Such notice shall be filed forty-eight hours prior to the commencement of the mass separation.

3. **Filing of notice after mass separation.** When the employer has no advance knowledge of a mass separation at the commencement thereof, the employer shall within forty-eight hours after the commencement of the mass separation notify the public employment service office nearest the worker's place of employment of the mass separation and the reasons therefor. Such notification shall include a list of the names and social security account numbers of the workers affected.
4. **Filing of mass separation list.** The list containing the names and social security account numbers of the workers affected and the employer's name and address as required by this chapter, shall be filed within the periods of time shown in this chapter except that the time may be extended within the discretion of the division for good cause shown.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-06-10, 52-06-12

27-03-02-03. Notice of total unemployment due to strike, lockout, or other labor dispute.

1. **Notice to the division of labor dispute.** In cases of total unemployment due to strike, lockout, or other labor dispute, the employer shall file with the division, in lieu of a mass separation notice, a notice setting forth the existence of such dispute and the approximate number of workers affected.
2. **Notice upon request of the division.** Upon request, an employer shall furnish to the division the names of the workers ordinarily attached to the department or establishment where unemployment caused by a strike, lockout, or other labor dispute and such other information as is requested by the division.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-06-10, 52-06-12

27-03-02-04. Information to workers. Whenever a worker is separated from the worker's employment (permanently or for an indefinite period or for an expected duration of seven or more days) the employer shall instruct such worker to report promptly, either in person or by mail, to the public employment service office most convenient to the worker, or in person to an itinerant point of such office on the first day that such itinerant office is open.

General Authority: NDCC 52-02-02

Law Implemented: NDCC 52-06-10, 52-06-12, 52-06-35